

Fresno, California

January 5, 2012

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chamber, City Hall, on the day above written.

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| Present: | Oliver Baines III | Councilmember |
| | Andreas Borgeas | Councilmember |
| | Clinton Olivier | Acting Council President |
| | Sal Quintero | Councilmember |
| | Larry Westerlund | Councilmember |
| | Blong Xiong | Councilmember |
| | Lee Brand | Council President |

Mark Scott, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Pastor Sonny Martini, of New Covenant Community Church gave the invocation and President Brand led the Pledge of Allegiance.

ELECTION OF COUNCIL PRESIDENT

President Brand thanked Council for the past year, stated the Council debated and never took the issues personally, adding Council endured a very difficult year.

A motion to elect Councilmember Olivier as the new Council President was made and acted upon after brief discussion.

Councilmember Borgeas gave a brief explanation of the rotation of the Council President. Councilmember Baines thanked President Brand for his service and expressed his appreciation of President Brand taking the time to fully explain issues due to being new on the Council.

On motion of outgoing President Brand, seconded by Councilmember Borgeas, duly carried, **RESOLVED**, the nomination of Councilmember Olivier as Council President hereby approved, by the following vote:.

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| Ayes | : | Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand |
| Noes | : | None |
| Absent | : | None |

On behalf of the Council, President Olivier read and presented a plaque/clock to outgoing President Brand.

President Olivier thanked Council for their confidence, stated he was honored for being elected and was proud to serve, adding he was looking forward to a good and productive year.

ELECTION OF ACTING COUNCIL PRESIDENT

On motion of President Olivier, seconded by Councilmember Borgeas, duly carried, **RESOLVED**, the nomination of Councilmember Xiong as Acting President hereby approved, by the following vote:.

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

The City Council recessed at 9:14 a.m. and convened in a joint meeting with the Redevelopment Agency.

JOINT MEETING OF THE REDEVELOPMENT AGENCY

ELECTION OF REDEVELOPMENT AGENCY CHAIR

Chair Westerlund questioned whether discussion could take place regarding issues of concern with the Redevelopment Agency and stated he would brief Council after the election of the new Agency Chair.

Chair Westerlund thanked everyone on the Board and staff, stated this was an unusual year for the Agency, added the Board was not able to do all the projects they wanted but was very proud of what was accomplished with the uptown and the downtown areas.

Member Borgeas reviewed the concerns facing the Redevelopment Agency, stated the State had the ability to take away RDA funds, adding it would not be a surprise if RDA was re-invented and thanked Chair Westerlund for being thoroughly engaged in the process and his leadership was appreciated.

On motion of outgoing Chair Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, the nomination of Councilmember Baines as Agency Chair hereby approved, by the following vote:.

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

ELECTION OF REDEVELOPMENT AGENCY VICE CHAIR

Chair Baines thanked the Board for the nomination, adding his appreciation of outgoing Chair Westerlund elevating the status of the Redevelopment Agency during his term.

On motion of Chair Baines, seconded by Member Olivier, duly carried, RESOLVED, the nomination of Member Westerlund as Agency Vice Chair hereby approved, by the following vote:.

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| Ayes | : | Borgeas, Brand, Olivier, Quintero, Westerlund, Xiong, Baines, |
| Noes | : | None |
| Absent | : | None |

Member Westerlund gave an overview of the State Supreme Court's ruling relating to the Redevelopment Agency in which it upheld AB 26, and ruled AB 27 unconstitutional, adding the abolishment of the Redevelopment Agency would move forward, and stressed even with the payment of \$9.2 million, the Agency would not survive. Member Westerlund stated there were efforts being made to extend the RDA's for several months, adding the agencies are scheduled to be eliminated February 1, 2012, noting the necessity of finding a successor legislation to continue to move forward with the Redevelopment Agency and elaborated.

Member Westerlund stated it was important to decide what steps should be taken prior to February 1st to begin the winding down process of the Redevelopment Agency, adding if the Agency decided not to opt out, the City of Fresno would be the successor Agency which would allow the Agency to continue working on outstanding obligations the Board had. Member Westerlund recommended a resolution be brought back to the Board stating the City of Fresno would be the successor agency, possibly by the creation of an Ad Hoc committee. Member Westerlund recommended a discussion take place at the January 12 2012 Council meeting, advising he would distribute a summary of the law.

City Attorney Sanchez stated the challenge was to review the bond supplemental information relating to the financial implications of the Redevelopment Agency, adding the Attorney's Office would distribute a summary of the background of the case and some of the issues from a legal standpoint for the purpose of developing a transition plan.

At the hour of 9:28 a.m. the Redevelopment Agency adjourned and reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF DECEMBER 15, 2011:

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Council minutes of December 15, 2011, approved as submitted.

APPROVE REDEVELOPMENT AGENCY MINUTES OF DECEMBER 15, 2011:

On motion of Vice Chair Westerlund, seconded by Member Xiong, duly carried, RESOLVED, the RDA minutes of December 15, 2011, approved as submitted.

ADOPT CONSENT CALENDAR:

(1-A) APPROVE THE FOLLOWING APPOINTMENTS TO THE FRESNO REGIONAL WORKFORCE INVESTMENT BOARD:

- 1. SALLY FOWLER – COUNCIL PRESIDENT OLIVIER**
- 2. BRET SLUSSER – COUNCIL PRESIDENT OLIVIER**
- 3. HOWARD K. HIMES – COUNCIL PRESIDENT OLIVIER; and**
- 4. REAPPOINTMENT OF TOMMIE NELLON - MAYOR'S OFFICE**

(1-B) APPROVE APPOINTMENT OF BARBARA FISKE TO THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION – MAYOR'S OFFICE

(1-C) APPROVE THE REAPPOINTMENT OF JOE LEVY TO THE TO THE FRESNO COUNTY TRANSPORTATION AUTHORITY – COUNCILMEMBER BORGEAS

On motion of Councilmember Westerlund, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

UNSCHEDULED ORAL COMMUNICATIONS:

(1) Gloria Hernandez, 3232 East Hedges, stated she attended the recent Vargas trial, expressing concern with the length of time it took to distribute the Internal Auditor's Report along with its recommendations, and suggested Council form a committee to ensure the recommendations are implemented. Ms. Hernandez expressed concern with the lack of training to police officer when there was an officer involved shooting.

(2) Hester Hensley, 1122 Martin Avenue, commended the City for the removal of a homeless encampment, adding she recently read an article relating to an unemployed young couple who were removed from the camp and who were capable of working, but chose not to, stating it was necessary to get people interested in obtaining work to be able to provide for themselves and get them off the streets.

Upon call, no one else wished to be heard.

(9:30 A.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A)

- 1. CASE NAME: CITY OF FRESNO V. AIG FINANCIAL PRODUCTS CORP., ET AL., CASE NO. 08-7355 S.D.N.Y**
- 2. CASE NAME: JULIA ENRIQUEZ, ET AL. V. CITY OF FRESNO, ET AL. UNITED STATES EASTERN DISTRICT CASE NO. 10-CV-00581-AWI-DLB**

(2-0) The City Council met in closed session in Room 2125 at the hour of 9:44 a.m. to consider the above matters and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 11:26 a.m. having arrived and hearing no objection, President Olivier declared the meeting adjourned.

Approved on the ____12th____ day of ____January____, 2012.

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| _____/s/_____ Clinton J. Olivier, Council President | ATTEST: _____/s/_____ Cindy Bruer, Deputy City Clerk |
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